

Remarks/Arguments

In the final Office Action dated June 16, 2010, it is noted that claims 3-5, 8 and 10-20 are pending; that claim 14 contains allowable subject matter, that claims 16-19 are allowed; and that claims 3-5, 8, 10, 11, 12, 15 and 20 stand rejected under 35 U.S.C. §103. By this amendment, claim 20 has been amended. No new matter is believed to be added.

Cited Art

The references cited and applied against the claims are listed as follows: U.S. Patent 7,496,064 to Kupershmidt (hereinafter “Kupershmidt”); U.S. Patent 7,127,254 to Shvodian, et al. (hereinafter “Shvodian”); and U.S. Patent Application Publication No. 2004/0264397 to Benveniste (hereinafter “Benveniste”).

Rejection of Claims 3-5, 8, 10, 11, 12, 15 and 20 under 35 U.S.C §103

Claims 3-5, 8, 10, 11, 12, 15 and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shvodian in view of Kupershmidt, and in further view of Benveniste. This rejection is respectfully traversed.

In remarks filed on March 2, 2010, Applicant submitted that the teaching of Kupershmidt and Shvodian cannot be combined to result in the claimed feature of “*grouping beacons of different devices into at the least one beacon period.*” Applicant argued that Kupershmidt’s method is based on TDMA frames that includes distributed reservation protocol (DRP) slots and prioritized contention access (PCA) slots, thus Kupershmidt teaches a distributed MAC protocol for transmitting information. On the other hand, Shvodian appears to teach a centralized MAC protocol where a coordinator device synchronizes the access to the network using beacons. Thus, Shvodian and Kupershmidt are directed to different types of network MAC protocols, hence to different types of wireless network architectures.

The Office action maintains that Kupershmidt is applied to Shvodian by having multiple beacon slots for the wireless devices to transmit information during the beacon period, and not the MAC protocol, as the Applicants argued. *See the current Office action at page 2.* It is respectfully submitted that the MAC protocol describes the means for accessing the medium, thus how and when beacons can be transmitted. According

to Kupershmidt, transmission of information is scheduled by a DPR and in Shvodian such scheduling is performed by the coordinator (310). Thus, two completely different approaches are utilized to schedule and synchronize the transmission of information are disclosed by the Kupershmidt and Shvodian.

According to MPEP section 2143.02 the prior art can be modified or combined to reject claims as *prima facie* obvious, as long as there is a reasonable expectation of success. Applicant respectfully submits that Kupershmidt and Shvodian teach different types of MAC protocols, i.e., different techniques for secluding transmission of information, thus when combined cannot successfully operate.

Claim 20 includes, in part, the feature “*defining a sleep period as a plurality of superframes.*” The Office action asserts that Shvodian teaches assigning a number of 3 awake superframes, where the number of awake superframe can be any number. Applicant respectfully disagrees. Shvodian admits that if any number were allowed for the awake interval, then the network would run into problems. *See Shvodian at col. 11 lines 24-28*. Thus, contrary to the Office action’s assertion the number of awake superframes utilized in Shvodian’s network cannot be any number.

Claim 20 further includes the features: “*by each device in the wireless network intending to enter a Hibernation mode, transmitting a beacon Hibernation Information Element, the Hibernation Information Element includes a Hibernation Start field and a Hibernation Duration field announcing a sleep period start time and a sleep period duration respectively.*”

The Office action asserts that these features are disclosed by Benveniste and not by the combination of Shvodian and Kupershmidt. The Office action maintains that Benveniste discloses a temporal period and suggested offset in a message from the wireless device. It respectfully submitted that the message as shown in Benveniste cannot be viewed or interpreted as the Hibernation Information Element, as such message does not include a Start field and a Hibernation Duration field, as claimed by the Applicant.

Further, as recited in claim 2, the Hibernation Information element is transmitted by each device intending to enter a Hibernation mode. There is no access point which determines if, when, and for how long a device can be in the Hibernation node. In direct contrast, the method for entering into a sleep mode as disclosed by Benveniste is

performed by an access point. The access point receives a temporal period associated with a wake-up schedule for a device that has a power-save mode; determines whether the temporal period can be accommodated; and when the temporal period can be accommodated, determines a temporal offset for the wake-up schedule, and transmits to the device a positive notice comprising the temporal offset. *See Benveniste at paragraph [026] and Figs 5-7.*

That is, according to the method of Benveniste, a device that intends to enter into a sleep mode sends a request to the access point, which checks if the request can be accommodated. Then, the access point informs the device when and for how long it can go to sleep.

In addition, on page 3 of the Office action, it is asserted that the teaching of Benveniste are applied to Shvodian. The latter reference also operates in a centralized wireless network control by a coordinator (i.e., an access point) that sends beacon frames to non-coordinator devices. *See Shvodian Col. 5, lines 46-55.* Therefore, even if it would have been proper to combine the teaching of Benveniste and Shvodian, an assumption that Applicant neither admits to nor agrees with, still the combination would results in a centralized wireless network architecture where beacons and/or messages indicating the sleep period duration and start time are sent by a central device in the network (e.g., an access point or coordinator). Thus, the combination of references would fail to show, teach or suggest the claimed feature of transmitting a beacon Hibernation Information Element by each device in the wireless network intending to enter a Hibernation mode.

In view of these remarks, it is respectfully submitted that claim 20 and the claims dependent thereon, namely, dependent claims 3-5, 8, 10, 11, 12, 15, would not have been obvious to a person ordinarily skilled in the art upon a reading of Shvodian, Kupershmidt and Benveniste either separately or in combination. Hence, it is believed that claims 3-5, 8, 10, 11, 12, 15 and 20 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

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